

LEIBOWITZ & SPENCER

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS

MATTHEW L. LEIBOWITZ, P.A.
JOHN M. SPENCER, P.C.*
JOSEPH A. BELISLE
ANTHONY T. LEPORE

OF COUNSEL
SANFORD L. BOHRER
SID DAVIDOFF*
JEROME M. BECKER*
605 3RD AVENUE
34TH FLOOR
NEW YORK, N.Y. 10158

* NOT ADMITTED TO
FLORIDA BAR

SUITE 1450
AMERIFIRST BUILDING
ONE SOUTHEAST THIRD AVENUE
MIAMI, FLORIDA 33131-1715
TELEPHONE (305) 530-1322
TELECOPIER (305) 530-9417

SUITE 500
1000 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
TELEPHONE (202) 293-4093
TELECOPIER (202) 872-0604

June 11, 1992

Rm 8018

RECEIVED

JUN 12 1992

Ms. Donna R. Searcy, Secretary
Federal Communications Commission
Washington, D.C. 20554

FCC MAIL BRANCH

Re: Petition to Amend FM Table of Allotments
Cross City and Bronson, Florida
Our File No. 85010

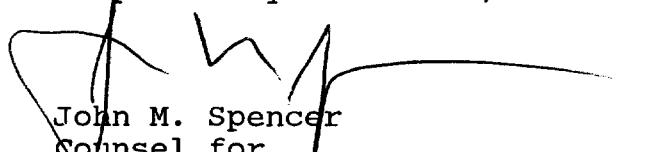
Dear Ms. Searcy:

On behalf of Women in Fla Broadcasting, Inc., licensee of station WDFL-FM, Cross City, Florida, enclosed please find an original and four copies of a petition for rule making to amend the FM Table of Allotments as follows:

- (a) reallocate channel 295C1 from Cross City, Florida, to Bronson, Florida, and
- (b) modify the license of WDFL-FM to specify operation on channel 295C1 at Bronson.

If any additional information is desired, please communicate with the undersigned.

Respectfully submitted,


John M. Spencer
Counsel for
Women in Fla Broadcasting, Inc.

Encls. (5) FM EXAMINERS

JMS:hs JUN 12 3 35 PM '92

RECEIVED

RECEIVED

JUN 12 1992

FCC MAIL BRANCH

PETITION FOR RULE MAKING

1. Women in Fla Broadcasting, Inc. ("Women"), by its attorney and pursuant to Rules 1.401 and 1.420, hereby petitions the Commission (1) to amend the FM Table of Allotments by reallocoting channel 295C1 from Cross City, Florida, to Bronson, Florida, and (1) to modify the authorization of WDFL-FM, Cross City, Florida, to specify Bronson, Florida, as its new community of license.

2. WDFL-FM is presently licensed to operate on channel 292A at Cross City, Florida. However, in MM Docket No. 87-455 the Commission substituted channel 295C1, Report and Order, 4 FCC Rcd 5599 (1989), recon. denied, 7 FCC Rcd ____ (1992). An application to effectuate this upgrade is pending before the FM Branch, File No. BPH-891129IB.

3. **Technical considerations.** By this petition Women proposes to change WDFL-FM's community of license from Cross City to

Bronson.¹ Since this proposal entails no change in the presently specified reference coordinates, it continues to comply with applicable separation requirements set out in Rule 73.207. Further, as set out in the attached Engineering Statement of James M. Johnson, the proposed allotment can easily provide 70 dBu service to the proposed community of license, in full compliance with Rule 73.315(a).²

4. **Section 307(b) considerations.** Bronson is an incorporated town, centrally located in and the county seat of Levy County, Florida. The following table lists the populations of both Bronson and Levy County as reported by the U.S. Census Bureau (for 1960 through 1990) and projected by the University of Florida³ (for 2000 through 2020):

	<u>Bronson</u>	<u>Levy County</u>
1960	707	10,364
1970	698	12,756
1980	853	19,870
1990	875	25,923

¹ In order to simplify this proposed change, Women proposes no change in the present reference coordinates for channel 295C1, namely North Latitude 29-24-07 and West Longitude 83-08-10.

² The present reference coordinates for the channel 295C1 allotment at Cross City are about 23 miles west of Bronson. Moreover, as Mr. Johnson's Engineering Statement shows, Bronson would also receive 70 dBu service from the facilities proposed in File No. BPH-891129IB.

³ County population projections are as reported in the 1991 Florida Statistical Abstract (25th Edition), compiled by the Bureau of Economic and Business Research, College of Business Administration, University of Florida, and published by the University of Florida Press.

2000	31,483
2010	36,200
2020	40,500

Bronson is organized under the city council/mayor form of government, and is served by a volunteer fire/rescue service. It has two public schools (elementary and high school), a public library (which is about to break ground for a new facility), and seven churches. As the county seat, it is home to the county court, the sheriff's office and jail, and other agencies of county government. Bronson has its own U.S. Post Office, and the postal ZIP code 32621. Civic organizations include the Bronson Chamber of Commerce, the Bronson Kiwanis Club and the Bronson Women's Club. Bronson is not located in either an Urbanized Area or a Standard Metropolitan Statistical Area.

5. The proposed allotment would provide Bronson its first local broadcast service.

6. Cross City is the county seat of Dixie County, which is adjacent to Levy County. The following table lists the populations of both Cross City and Dixie County as reported by the U.S. Census Bureau (for 1960 through 1990) and projected by the University of Florida (for 2000 through 2020):

	<u>Cross City</u>	<u>Dixie County</u>
1960	1,857	4,479
1970	2,268	5,480
1980	2,154	7,751
1990	2,041	10,585
2000		12,641

2010	14,300
2020	15,700

Cross City is not located in either an Urbanized Area or a Standard Metropolitan Statistical Area.

7. In addition to WDFL-FM, Cross City is served by commonly owned WDFL, an unlimited-time AM station which operates on 1240 kHz.

8. Reallotment of channel 295C1 as proposed would foster the fair, efficient and equitable distribution of broadcast service mandated by Section 307(b) of the Communications Act of 1934, as amended, by giving two significant communities their own full-time local transmission service, rather than concentrating two services in one community. Further, while Cross City is currently larger in population with 2,041 persons, Bronson is growing faster than Cross City. (Indeed, Cross City's population has actually declined in the last two censuses.) Moreover, Levy County (of which Bronson is the county seat) has more than twice the population of Dixie County (of which Cross City is the county seat), and expert projections indicate Levy County will continue to grow faster than Dixie County over the next three decades. Neither Bronson nor Cross City is located in an Urbanized Area.

9. Petitioner requests consideration under the provisions of Rule 1.420(i), in that the amended allotment would be mutually exclusive with the licensee's present co-channel allotment (0 km

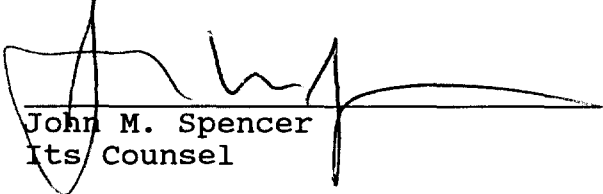
separation, whereas Rule 73.207 requires 245 km). This proposal therefore qualifies for consideration without subjecting Women to competing applications for the amended allotment.

10. Accordingly, Women asks the Commission to initiate a rule making proceeding to reallocate FM channel 295C1 from Cross City, Florida, to Bronson, Florida; and to modify the license for WDFL-FM to specify operation on channel 295C1 at Bronson, Florida. If this amendment is made, Women intends to promptly file an appropriate application to implement the amended allotment.

Respectfully submitted,

WOMEN IN FLA BROADCASTING, INC.

By:


John M. Spencer
Its Counsel

Leibowitz & Spencer
One S.E. Third Avenue, Suite 1450
Miami, Florida 33131
(305) 530-1322

June 11, 1992

ENGINEERING EXHIBIT
PROPOSED RULEMAKING
WOMEN IN FLA BROADCASTING, INC.
BRONSON, FLORIDA

HAS: 295-C1, CROSS CITY, FLORIDA

REQ: 295-C1, BRONSON, FLORIDA

JUNE, 1992

EXHIBIT "EE"

ENGINEERING EXHIBIT
PROPOSED RULEMAKING
WOMEN IN FLA BROADCASTING, INC.
BRONSON, FLORIDA

The Engineering Data contained herein, has been prepared on behalf of Women in Fla Broadcasting, Inc., licensee of WDFL-FM, Cross City Florida, in support of a Petition for Rulemaking to change the City of License to Bronson, Florida and modify the license of WDFL-FM to reflect that change.

The proposed assignment at Bronson can be made using the present site restriction. Specifically, the reference coordinates are:

N. Lat: 29-24-07

W. Lon: 83-08-10

Exhibit 1 is a tabulation which shows the required separations from the Bronson Class "C1" reference location. In addition, Exhibit 2 shows the coverage contours of the application for construction permit for the "C1" facilities of WDFL-FM. Both the Reference site and the Application site provide the community of Bronson with 70 dBu service.

The proposed WDFL-FM assignment is mutually exclusive with the current WDFL-FM assignment.

Cross City is currently served by another fulltime service, WDFL(AM).

EXHIBIT 1

JAMES M. JOHNSON & ASSOCIATES
3750 US 27 NORTH SEBRING FL 33870

ALLOCATION SITE
WDFL-CROSS CITY C1

REFERENCE	CLASS C1	DISPLAY DATES
29 24 07 N		DATA 03-26-92
83 08 10 W	Current rules spacings	SEARCH 04-29-92
----- CHANNEL 295 -106.9 MHz -----		

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
ALOPEN	295C1	Cross City	FL	0.0	0.00	245.0	-245.00 *
WDFLFM	295C1	Cross City	FL	56.3	14.26	245.0	-230.74 *
WDFLFM	292A	Cross City	FL	0.5	23.03	75.0	-51.97 *
WDFLFM	292A	Cross City	FL	0.5	23.03	75.0	-51.97 *
WSNI.C	296C1	Thomasville	GA	321.0	168.85	177.0	-8.15 *
WSNI.A	296C1	Thomasville	GA	326.6	176.68	177.0	-0.32 *
WXXL	294C1	Leesburg	FL	121.9	177.00	177.0	0.00 *
AD292	292A	Beverly Hills	FL	131.3	89.40	75.0	14.40
AD292	292A	Beverly Hills	FL	131.3	89.40	75.0	14.40
AP298	298A	Columbia	FL	30.3	90.45	75.0	15.45
WCJX.C	293A	Five Points	FL	25.8	103.70	75.0	28.70
AD242	242A	Yankeetown	FL	135.3	58.05	22.0	36.05
WEAGFM	292A	Starke	FL	59.6	115.79	75.0	40.79
WSNI	296A	Thomasville	GA	331.6	177.89	133.0	44.89

EXHIBIT 2

JAMES M. JOHNSON & ASSOCIATES
3750 US 27 NORTH SEBRING FL 33870

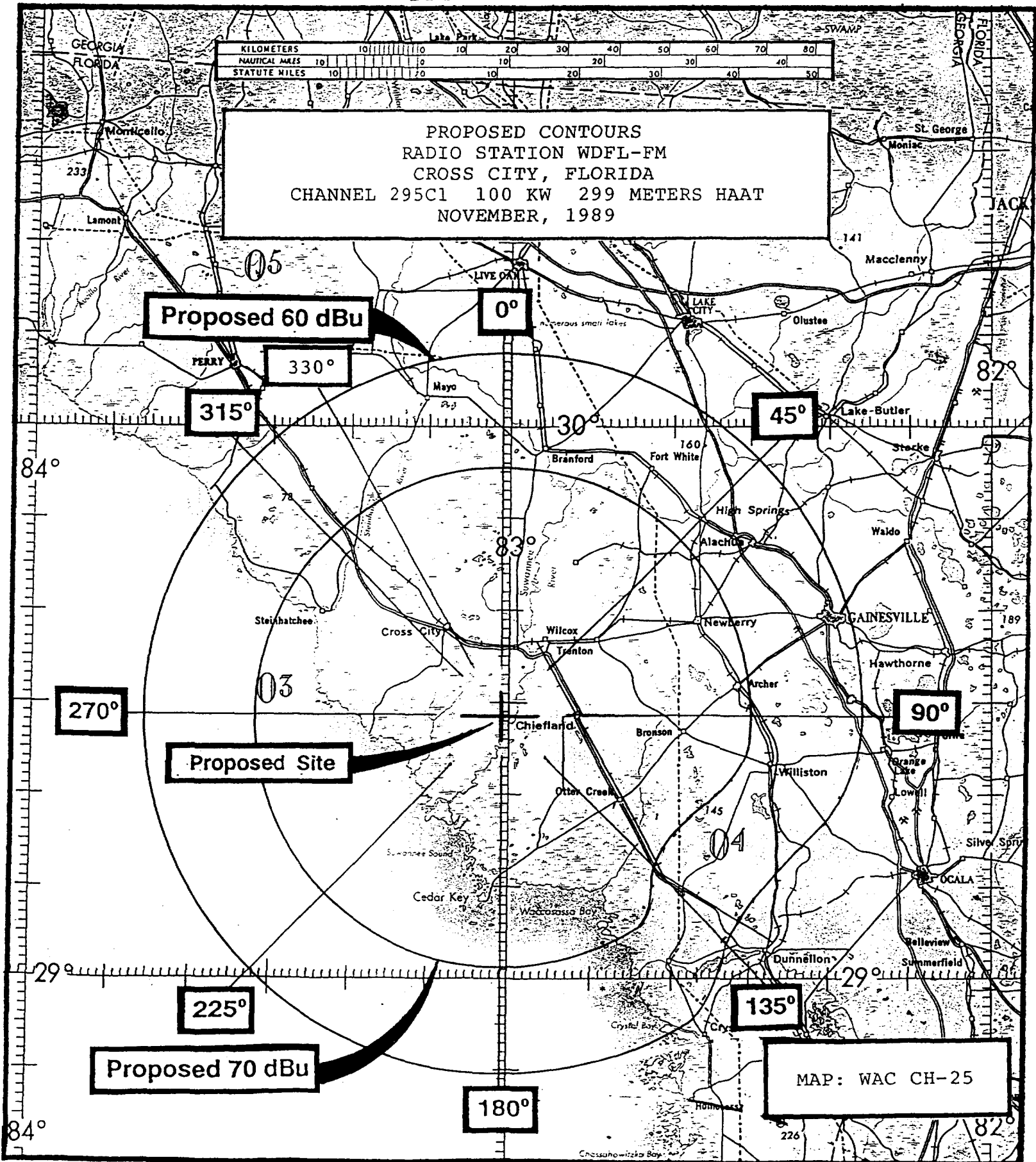
APPLICATION SITE
WDFL-CROSS CITY C1

REFERENCE		CLASS C1	DISPLAY DATES
29 28 24 N			DATA 03-26-92
83 00 50 W	Current rules spacings		SEARCH 04-29-92
----- CHANNEL 295 -106.9 MHz -----			

CALL	CH#	CITY	STATE	BEAR'	D-KM	R-KM	MARGIN
WDFLFM	295C1	Cross City	FL	0.0	0.00	245.0	-245.00 *
ALOPEN	295C1	Cross City	FL	236.3	14.26	245.0	-230.74 *
WDFLFM	292A	Cross City	FL	322.4	19.09	75.0	-55.91 *
WDFLFM	292A	Cross City	FL	322.4	19.09	75.0	-55.91 *
WSNI.C	296C1	Thomasville	GA	316.3	170.67	177.0	-6.33 *
WXXL	294C1	Leesburg	FL	126.2	171.51	177.0	-5.49 *
WSNI.A	296C1	Thomasville	GA	322.0	177.11	177.0	0.11 <
AP298	298A	Columbia	FL	25.7	77.89	75.0	2.89 <
AD292	292A	Beverly Hills	FL	140.5	86.79	75.0	11.79
AD292	292A	Beverly Hills	FL	140.5	86.79	75.0	11.79
WCJX.C	293A	Five Points	FL	21.3	91.72	75.0	16.72
WEAGFM	292A	Starke	FL	60.1	101.56	75.0	26.56
AD242	242A	Yankeetown	FL	149.5	57.06	22.0	35.06
WSNI	296A	Thomasville	GA	327.1	177.07	133.0	44.07

EXHIBIT 3

PROPOSED CONTOURS
RADIO STATION WDFL-FM
CROSS CITY, FLORIDA
CHANNEL 295C1 100 KW 299 METERS HAAT
NOVEMBER, 1989



AFFIDAVIT

State of Florida)
)
County of Palm Beach) SS:


James M. Johnson, having been duly sworn, deposes and says that:

1. He is a Broadcasting Consultant practicing in the City of Sebring, Florida, and his qualifications are a matter of record with the Federal Communications Commission.

2. He has been retained by Women in Fla Broadcasting, Inc., to prepare the attached Engineering Exhibit.

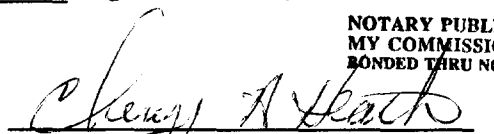
3. He has prepared, or caused to be prepared under his immediate supervision, the accompanying exhibits which are attached to and form part of this affidavit.

4. The foregoing statements and the aforementioned exhibits are true to the best of his knowledge and belief.


James M. Johnson

personally known

Subscribed and sworn to this 10th day of June, 1992.


Notary Public
CHERYL A. HEATH

NOTARY PUBLIC, STATE OF FLORIDA.
MY COMMISSION EXPIRES: Sept. 11, 1993.
BONDED THRU NOTARY PUBLIC UNDERWRITERS.